IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1419 OF 2007

Marline Marine Services P.Ltd..... Petitioner

versus

The State of Maharashtra and anr..... Respondent.

Mr. Subhash Jha i/b M/s. Law Global for the petitioner.
Mr. Y.M. Nakhwa APP for State.

CORAM; A.P. DESHPANDE, J.
DATED; 05TH DECEMBER, 2007

P.C.;

1. At the instance of the peititoner, case No. 63/06 came to be registered for offence under sections 406, 408 read with 120-B of IPC. During the course of investigation a sum of Rs. 45 lakhs came to be seized at the instance of Sunil Pillai and Rs.2,59,000/- came to be seized at the instance of Subhash Nair. Thus out of the sum of Rs.50 lakhs, a sum of Rs.47,59,000/- came to be recovered. The present petitioner filed an application for return of the property under section 457 of Cr.P.C. All the four accused filed reply to the application stating that they have no objection if the property is returned to the applicant/petitioner whereas the police did object to the return of the property on the ground that they suspect that the

transactions are not legal. The trial court allowed the application, however, subject to the condition that the applicant should furnish bank guarantee in the sum of Rs.50,00,000/-. It is this condition of furnishing bank guarantee which is challenged by filing the writ petition. It cannot be lost sight that at the initial stage if the amount is being paid to the petitioner, there is a possibility of some other person establishing a better claim at a later point of time with a view to secure the amount, the trial court has imposed the condition. The condition cannot be said to be unreasonable. The learned counsel for the petitioner has further informed that the petitioner has made an application seeking modification of the said order but that application has been rejected. Having regard to the totality of the fact I am not inclined to interfere with the impugned order. Hence writ petition is dismissed. However having regard to the fact that the petitioner has been made to furnish a bank guarantee of Rs.50 lakhs, I deem it appropriate to direct expeditious disposal of the case pending on the file of the trial court. Writ Petition is accordingly disposed of.

.....